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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/581,829	
	Filing Date	June 2, 2006	
	First Named Inventor	Olivier Bezencon	
	Art Unit	1609	
	Examiner Name	Murray, Jeffrey H.	
Total Number of Pages in This Submission	6	Attorney Docket Number	AC-05-US

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Hoxie & Associates LLC		
Signature			
Printed name	Thomas Hoxie		
Date	June 5, 2007	Reg. No.	32,993

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Application of Bezencon, et al
U.S.S.N. 10/581,829
Attorney Docket No. AC-05

(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Bezencon, et al.)	Confirmation No: 7180
)	
Serial No.:	10/581,829)	Group Art Unit: 1609
)	
Filed:	06/02/2006)	Examiner: MURRAY, J.H.
)	
For:	NOVEL DIAZABICYCLONONENE)	
	DERIVATIVES AND USE)	

Response to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.143, Applicants respond to the Restriction Requirement mailed March 29, 2007.

Applicants respectfully traverse. Applicants refer the Examiner to M.P.E.P. § 803, which sets forth the criteria and guidelines for Examiners to follow in making proper requirements for restriction. The M.P.E.P. instructs the Examiner that if the search and examination of an entire application can be made without serious burden, the Office must examine it on the merits M.P.E.P. § 803. The Examiner has not explained why the search would entail a serious burden, particularly where the International Search has already been carried out by the EPO.

It would seem that an eight-way restriction requirement would impose a much greater burden on the Office's resources, not to mention a much greater burden and expense for the Applicants.

As this application is the national phase of a PCT application, it is not required that the claims be drawn to a single invention; only that the claims be linked by a single general inventive concept. *See* PCT Rule 13; 37 C.F.R. §1.475; M.P.E.P. 1850 and 1893.03(d). Here, as the EPO previously found, the claims all involve compounds falling within the general scope of formula I. Restriction as required by the Examiner is not proper in this case.

We respectfully submit that the Examiner is incorrect in suggesting that compounds of formula I are suggested or disclosed in Kuttab, et al., cited by the Examiner. The Examiner appears to have focused on a single embodiment of formula I, wherein the core is a 1,2,3,6 tetrahydropyridine, but has not observed that the reference cited does not disclose the other substituents which characterize formula I. For example, Kuttab, et al. do not disclose the aryl / heteroaryl side chains at “-T-Q-M” and at “-V-U” (or indeed any substituents at all in those positions).

Regarding the Groups identified by the Examiner, it is assumed that “W” is meant in place of “Y”. Confirmation is requested. Applicants also propose that the scopes could be better related to the examples if the proviso “L is not H” in Group II were shifted to Group III.

In the event that the Examiner maintains the Restriction Requirement, and subject to the Examiner's agreement to these clarifications to the scopes, and reserving all rights, including the right to reinstatement or rejoinder in the event the restriction requirement is withdrawn or a generic claim is allowed, and/or the right to pursue any non-elected inventions in divisional applications, Applicants provisionally **restrict** to Group II as clarified:

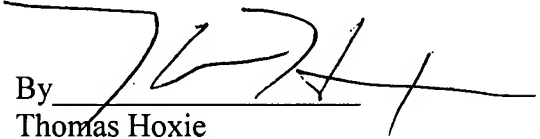
II. The compound of composition of general formula I, according to claims 1-11, wherein $z=1$, $m=1$ and $n=0$, X and W are $-\text{CH}-$

and elect as species the compound of Example 1.

Reconsideration and withdrawal of the Restriction Requirement and a speedy allowance of the claims submitted is respectfully requested. The Examiner is invited to contact the undersigned by telephone in the event of any questions.

Dated: June 5, 2007

Respectfully submitted,

By 
Thomas Hoxie
Reg. No. 32,993

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